

Notice of Allowability

Application No.

10/705,893

Examiner

Josiah Cocks

Applicant(s)

HAN ET AL.

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/8/2006.
2. ☒ The allowed claim(s) is/are 1-5, 7, 9, 11, 13, 15-17 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/12/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Josiah Cocks
Primary Examiner
Art Unit 3749

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment filed 8/8/2006 is acknowledged.

Allowable Subject Matter

2. Claims 1-5, 7, 9, 11, 13, 15-17, and 19 are allowed.
3. The following is an examiner's statement of reasons for allowance:

In regard to claims 1 and 9, in light of the record taken as a whole including applicant's arguments filed 8/8/2006 the prior art does not disclose, teach, or suggest a cooking apparatus having the combination of structural elements as recited in each of these independent claims. Applicant arguments appearing on page 6, last paragraph are persuasive as to how the heating units and the grill unit being disposed in the cabinet distinguishes over Perkins. In Perkins, which is considered the closest prior art, the only reasonable interpretation of what constitutes a grill unit are either of elements (71) and (76) which are shown arranged in the cover and not "disposed in the cabinet" as recited in each of claims 1 and 9.

Also applicant's arguments appearing on page 6, in the third and second to last paragraphs are also persuasive as to why the baffle plates of Perkins (88) in not extending below the top of the intake vents (63) do not prevent these intake vents (63) from facing the burner elements as previously asserted by the examiner. Further, applicant has specified that with the air inlet holes arranged to "not face the heating units" as specified in each of claims 1 and 9, the

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air passing into the cover through these inlets is not heated by the heating units (see applicant's specification, p. 4, paragraph [0018] and lines 11-12 of claim 9). Each of applicant's independent claims 1 and 9 call for the heating units to be at opposing ends of an interior space of the cabinet along an axis that is transverse to an axis of the air inlets holes such that the inlet holes do not face the heating elements. The air inlets of Perkins are arranged in close proximity to the heating units (87) such that air outside air passing through the inlets is heated by the heating units and passed to above located lava rocks (see Perkins, Fig. 6 and col. 6, lines 45-57). Accordingly, neither Perkins taken alone nor Perkins in view of the teachings of Castillo are considered to show air inlets in opposing die portions of the cover arranged to be on an axis transverse to the axis of the heating units at opposing ends of an interior space of the cabinet, such that the inlet holes do not face the heating units as recited in each of applicant's claims 1 and 9.

Claims 2-5 and 7 are allowable as being dependent upon allowable claim 1.

Claims 11, 13, 15-17, and 19 are allowable as being dependent upon allowable claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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USPTO Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on M-F 8:00-5:30.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jcc
October 29, 2006


JOSIAH COCKS
PRIMARY EXAMINER
ART UNIT 3749